

## **TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

PRESENT: Marshall, Barboza, Teixeira, Herreshoff, and Parella

ALSO PRESENT: Diane C. Mederos, Town Administrator (arrived at 7:25 o'clock PM)  
Michael A. Ursillo, Esq., Town Solicitor  
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, February 16, 2011 in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Marshall presiding:

### **Introduction**

Sen. Christopher Ottiano re introduction of interns to be attending Council meetings

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall provided time for Sen. Christopher Ottiano to introduce interns John Decker and Sheby Wood who will be attending Council meetings on behalf of the Senator. He explained that since the General Assembly meets on Wednesday evenings, he is not often able to attend Council meetings.

Sen. Ottiano also explained that the interns will be present so as to accept inquiries from constituents.

### **Presentation**

Appraisal Resource re Statistical Revaluation

Richard Nagle from Appraisal Resource provided an update and brief concerning the ongoing statistical revaluation. He noted that the revaluation is based upon sales of properties during the past three (3) years, building permits issued during the same time frame, and field inspections of the various properties.

Mr. Nagle reported that the data is being entered into computer software and that the process is now being finalized. He also reported that notices regarding property valuations will be sent to property owners on March 10, 2011.

Mr. Nagle explained that values were down approximately 15-20% from the 2007 figures. He explained further that these figures are neighborhood dependent and also that waterfront properties appear to have maintained value.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

He reported that the final adjusted figures will be provided to Tax Assessor Spagnolo by the end of next week and that there will be a meeting with the taxpayer advisory group on March 7, 2011 and a public meeting on March 16, 2011. He explained that this taxpayer advisory group was assembled by Tax Assessor Spagnolo from those persons who volunteered to provide some guidance for the revaluation process and that members include a real estate agent, a professional appraiser, and a builder. He added that some of the suggestions provided by the group have been implemented and also that this new idea has been effective.

There were no questions asked by the Town Council at this time.

Council Chairman Marshall thanked Mr. Nagle for his presentation.

Tax Assessor Spagnolo noted that Councilman Teixeira will be translating some of the tax assessment notices from English into Portuguese with Councilman Teixeira explaining his goal to make the message "clear" for those who do not read English.

Council Chairman Marshall noted the presence of members of the Bristol County Water Authority (BCWA) and noted that the Council had anticipated a report from the authority at a previous meeting and that this was delayed due to inclement weather. He asked that the item might be added to this evening's agenda.

Barboza/Herreshoff - Voted  
unanimously to add an item to the  
agenda to allow the Bristol County  
Water Authority directors to  
provide a report.

After the vote taken, Council Chairman Marshall noted that Joseph Rego, one of the Bristol representatives to the BCWA was present this evening and would provide a brief report concerning the Authority.

Mr. Rego reported that the performance audit of the Authority has begun and that he had been hopeful that it would be completed before the end of February. He observed that the report should be completed before the end of March. He added that the auditing firm has "asked for a lot of information" and that he was hopeful that the result of the audit will rectify any apprehension concerning the Authority's operation.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Mr. Rego also reported that the Authority's pension plan is adequately funded and that the Authority is adding a new emergency connector to the water main in East Providence, this being completed in cooperation with the State of Rhode Island with the BCWA assuming one-fourth of the cost of same.

Mr. Rego stated "thank God the cross-bay pipeline was built; if not last summer we would have had water 'buffalos' (for a water supply)." He added that he believes that grass should be green and that he waters his lawn.

Councilman Barboza asked to know if the East Providence connection was working; noting that the he was told that there was \$3 million in the budget in order to make the connection operational.

Mr. Rego reported that the original connection was an emergency connection to benefit East Providence. He added that this emergency connection in East Providence is over land and can provide 1 million gallons per day.

Councilman Barboza asked to know if the \$3 million was to improve the line with Mr. Rego responding that he was uncertain as to the details of the cost except that the BCWA would pay only one-fourth of the cost.

Mr. Rego also reported that there is a cap of \$14.7 million that the BCWA has paid for the improvements to the Shad line and that any remaining cost will be borne by the State.

*Town Administrator Mederos arrived at this point in the meeting (7:25 o'clock PM).*

Mr. Rego recalled that the initial legislation for the retention of the Shad line was written by Councilwoman Parella (formerly State Senator) and former Rep. Charles E. Millard, Jr., along with former Rep. George Caroulo.

Councilwoman Parella noted that changes to the Environmental Protection Agency (EPA) rules have caused the BCWA to become noncompliant.

Mr. Rego agreed that prior to the change in EPA rules the BCWA plant could produce 3 million gallons per day and now it can produce only 1 million gallons per day.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Mr. Rego also reported that the fluorides in the BCWA water make the water better for the health of children's teeth versus bottled water.

Councilman Teixeira asked to know is the BCWA's pension plan has been adequately funded with Mr. Rego reporting that the pension plan has been funded according to the actuaries' recommendation for maximum contribution. He added that the contribution last-year was reduced due to the rate increase but also that the actuaries assured the BCWA that their contribution was adequate.

Mr. Rego also reported that the BCWA has sufficient funds to payout any lump-sum benefits.

Councilman Herreshoff noted that Mr. Rego has been a member of the Water Authority since 1987 and also that Mr. Rego served as Chairman of the Authority for ten (10) years.

Mr. Rego noted that John Hess, representing the Town of Barrington, was the first Chairman of the BCWA.

Councilman Herreshoff noted that the Council looks forward to receipt of the performance audit report. He stated that he was of the opinion that the RFP was too complicated and also that the Council is interested to learn if the Authority employs the correct amount of people, etc.

Mr. Rego agreed that the Audit will investigate the Water Authority's "business" aspects.

Councilman Herreshoff noted that the Shad line has been on the Authority's agenda for some time and questioned as to why it is not yet fully repaired.

Mr. Rego noted that the water in the Shad line comes from Massachusetts and that the Authority has "fought" for over ten (10) years with Massachusetts officials regarding this matter and that the Massachusetts officials have been successful in causing "delay after delay." Mr. Rego also reported that the Authority had a problem "drilling holes" and that the Authority threatened to bring a lawsuit in order to accomplish the drilling. He also added that "Massachusetts feels that the water is theirs yet they appear to have no use for it."

Councilman Herreshoff again questioned why the matter of the Shad pipeline remains unresolved after twenty (20) years with Mr. Rego reporting that the pipeline was not a priority

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

and rather the cross-bay pipeline was the priority of the BCWA.

Mr. Rego continued to explain the 'plight' of the BCWA in Massachusetts; reporting that the Board of Selectmen took the BCWA to court and also that the Town officials "really hassle" the BCWA concerning street openings for pipe work.

Councilwoman Parella stated that it was "a big disappointment" that the Shad matter remains unresolved after twenty (20) years.

Mr. Rego further qualified his statements in that the old Shad line has been repaired and upgraded during the past twenty (20) years and rather that the ongoing problems concern the new Shad line.

Councilwoman Parella noted that the value in keeping the traditional BCWA water sources intact is that the Scituate Reservoir cannot be completely relied upon. Councilwoman Parella added that she would like to interview BCWA director candidates in a workshop including looking at the "big picture."

Councilwoman Parella suggested that this workshop should include officials from the State Water Resources Board, the Providence Water Authority, and the Town's representatives to the BCWA.

She added that the workshop would allow the Council to ask the BCWA directors and candidates "where are we going."

Mr. Rego reported that there are "no guarantees" that the BCWA will continue to receive its "promised" 7 million gallons/day from Providence.

Councilwoman Parella noted that the Scituate Reservoir is nearby busy roadways and that this is a matter for concern. She added that "there are a lot of issues" relating to the safety of the supply coming from the Scituate Reservoir.

Councilwoman Parella asked to know how much of the State's population depends upon Scituate water with Mr. Rego responding sixty-percent (60%).

Mr. Rego noted that "if the audit is lousy the Council should not reappoint me."

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Council Chairman Marshall suggested that the local members of the General Assembly should be asked to attend the workshop suggested by Councilwoman Parella.

Councilman Herreshoff suggested that Town Solicitor Ursillo should review the Massachusetts agreement concerning the water coming from within that State.

Councilwoman Parella stated that it was "disturbing" to find that Massachusetts can block progress with the BCWA water.

Town Solicitor Ursillo agreed to look-over the available agreement and report back at the next meeting.

Council Chairman Marshall noted that the problems with Massachusetts seem to be resulting from the plans for a new Shad pipeline and not the repair of the existing line.

Councilwoman Parella again observed that a workshop with the various parties would be advisable.

Mr. Rego reminded the Council that the Shad pipes are located in wetlands.

Councilman Teixeira asked to know if the issue of the ownership of the Shad line might be appealed to government officials in Boston with Mr. Rego responding that he was not sure if this was possible.

Mr. Rego added that there is an additional concern regarding the ownership and maintenance of the Anawam Dam. It was suggested that Town Solicitor Ursillo should investigate this issue also.

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

Parella/Teixeira - Voted  
unanimously to approve the Consent  
Agenda combining agenda item R30  
with B2.

Prior to the vote taken, Council Chairman Marshall asked that agenda item R30 might be combined with agenda item B2.

**A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)**

1. Town Council Meeting - January 26, 2011

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Barboza/Teixeira - Voted  
unanimously to approve these  
minutes as prepared and presented.

**(CA)** AA. SUBMISSION OF MINUTES-Boards and Commissions

**Approval of consent agenda="Motion to receive and place  
these items on file."**

1. Bristol Warren Regional School Committee -  
bi-monthly meeting, September 27, 2010
2. Bristol Warren Regional School Committee -  
organizational meeting, November 15, 2010
3. Bristol Warren Regional School Committee -  
bi-monthly meeting, November 22, 2010
4. Bristol Warren Regional School Committee -  
December 13, 2010
5. Bristol Warren Regional School Committee -  
bi-monthly meeting, January 10, 2011
6. Historic District Advisory Committee -  
inaugural meeting, January 3, 2011
7. Bristol County Water Authority - Board of  
Directors, January 12, 2011
8. Bristol County Water Authority - Audit  
Finance Committee, February 2, 2011
9. Bristol County Water Authority - Engineering  
Committee, February 2, 2011
10. Bristol County Water Authority - Public  
Relations/Personnel Committee, February 2,  
2011
11. Conservation Commission - October 4, 2010
12. Conservation Commission - November 1, 2010
13. Conservation Commission - December 14, 2010
14. Conservation Commission - January 3, 2011

B. OLD BUSINESS

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

1. Town Solicitor Ursillo - (draft) resolution requesting the General Assembly to enact legislation re criminal liability for owners of vicious dogs

Herreshoff/Barboza - Voted unanimously to adopt this resolution and to forward same to the local General Assembly delegation.

Prior to the vote taken, Town Solicitor Ursillo reported that this resolution considers the matter of vicious dog attacks and the criminalization of persons who are responsible for dogs involved in attacks.

Todd Roper of 30 Union Street stated that he would like to speak with Town Solicitor Ursillo regarding an amendment to the Town Code concerning this issue.

2. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from January 26, 2011**

Herreshoff/Teixeira - Voted unanimously to continue this matter until the meeting of March 9, 2011.

*It is hereby noted for the record that the Council considered this matter in combination with agenda item R30.*

Prior to the vote taken, Council Chairman Marshall referred to the letter appearing as agenda item R30 with Ms. Gaspar informing the Council that she was "promised" a catch basin by former Town Administrator Parella and Martha Heald of BETA Group.

Ms. Gaspar recounted the details of her situation and also informed the Council that her tenant's heating system is not working properly.

A discussion ensued regarding visits of plumbers, etc., to Ms. Gaspar's property with Council Chairman Marshall suggesting that perhaps there is water in Ms. Gaspar's gas line since this phenomenon happens occasionally in Newport.

Ms. Gaspar stated that she remains concerned regarding possible contamination on her property since she still has a cough. She also informed the Council that State Department of Environmental Management (DEM) officials have advised her "not to let-up" and also that her neighbors have received



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

payments for their damage. She added that she "doesn't" wish to know anything about FEMA" and that Director of Community Development Williamson has copies of the bills for the repairs to her property.

Director of Community Development Williamson reported that she asked to see the bills as part of a hazard mitigation (for the future) grant request which was submitted on behalf of the Town. She noted that she and BETA reached-out to Ms. Gaspar and some of her neighbors to include their perennial issues in consideration of this grant.

Director of Community Development Williamson further reported that although BETA tried to make this work, the scope of the project was found to be greater than the combined benefit to the neighbors and they were not able to fit the project into the mitigation grant proposal.

Director of Community Development Williamson affirmed that the grant proposal was to mitigate future problems and not to recover from past ones.

Ms. Gaspar informed the Council that she believes that she is due compensation for the flooding.

A discussion ensued regarding mold remediation with Ms. Gaspar informing the Council that she placed "fresh air scents" in her basement.

Councilwoman Parella suggested that Ms. Gaspar might contact a mold inspector.

Ms. Gaspar stated that she has "white stuff and seaweed" in her pool. She added that the Woodlawn Avenue catch basin was never cleaned with Councilman Barboza noting that the catch basin Ms. Gaspar refers to is on private property.

Ms. Gaspar suggested that the Town should secure permission of the property owner to examine and clean the catch basin.

Council Chairman Marshall asked Ms. Gaspar to inform the Council as to the results of the National Grid inspection of her gas transmission line.

Ms. Gaspar agreed to do so and also complained about ice from gutters and tree roots.

Councilwoman Parella explained that ice on sidewalks from gutters has been a problem all over Town.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Ms. Gaspar suggested that the Town should send a letter to the owner of the catch basin on Woodlawn Avenue in order to "see where it goes."

3. Marina Peterson, 38 Thompson Avenue, on behalf of the Bristol East Bay Patriots Citizens' Watch Committee re meeting held on January 25, 2011 to discuss the Bristol County Water Authority, **continued from January 26, 2011**

**LATE ITEM**

- a. (Town Solicitor Ursillo) - Additional amendment to B&E's proposal for an agreed upon procedures engagement of Bristol County Water Authority

Barboza/Teixeira - Voted unanimously to continue this matter to a time after the receipt of the Bristol County Water Authority performance audit report.

Prior to the vote taken, Ms. Peterson thanked the Council for co-sponsoring the forum and for its help in securing the High School auditorium.

Ms. Peterson also informed the Council that she assumes the next meeting regarding the BCWA will be after the performance audit is completed.

Ms. Peterson also informed the Council that she attended a Water Authority meeting last week and that she found some of the discussion confusing regarding the \$3 million needed for the Shad pipeline upgrade.

A discussion ensued regarding the \$3 million with Ms. Peterson stating that the public wishes to have "clear answers" from the BCWA.

Ms. Peterson also asked to know how the (Scituate & BCWA) water is mixed since she was told that everyone received the same mixture yet a Health Department map of the water supply seems to indicate that this is not true. She added that it appears that Barrington gets 100% Scituate water and the other towns receive a mixture. She added that she was not concerned about the details of the mixture but rather would like to have accurate answers to the questions posed.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Council Chairman Marshall noted that Councilwoman Parella suggested a workshop including all of the various "experts" in order to get accurate answers to everyone's questions.

Ms. Peterson asked to know about the provisions in the performance audit RFP concerning a "draft report" with Council Chairman Marshall responding that the provision was misinterpreted and that there was never an intention for a draft report but rather an "exit interview."

Ms. Peterson reported that she attended a Barrington Town Council meeting and "someone made a motion" to have the "draft report" go to the three Councils and also that the original intention of the RFP was to have the "draft report" go only to the BCWA.

Council Chairman Marshall explained that he called the consultant and that the "draft report" was never part of the "deliverables" and that it should be considered as an "exit interview."

Ms. Peterson again informed the Council that all she wants are "straight answers."

Council Chairman Marshall stated that he is concerned that there are too many people calling and raising red flags indicating problems when no problems exist. He added that the Providence Water Supply Board wishes that they had a redundant water supply and also that if the "Scituate goes down we are all in trouble."

4. Domenic Raiola, 45 Shore Road re flooding from spring storms, **continued from January 26, 2011**

**LATE ITEM**

- a. Town Solicitor Ursillo to W. Craig Fugate, Administrator, Federal Emergency Management Agency re FEMA Application of Mr. Raiola

Barboza/Herreshoff - Voted  
unanimously to place this matter on  
the table.

Prior to the vote taken, Town Administrator Mederos reported that Mr. Raiola, who was present earlier this evening, had to leave due to the hour. She noted that Senator Reed had provided a response concerning this matter.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Town Solicitor Ursillo reported that he has not yet received a response from Mr. Fugate and suggested that the Council may wish to table this matter until a response is received.

5. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council re interim approval of the Town's Harbor Management Plan pending water quality certification by DEM

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

6. Council Chairman Marshall re maintenance of Hope Street sidewalks/crosswalks in vicinity of schools, **continued from January 26, 2011**

Herreshoff/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that Town Administrator Mederos has been in communication with the State Department of Transportation regarding this issue and suggested that the Town and State should name a committee to "jump start" the repair of sidewalks, etc., for the remainder of Hope Street from Silver Creek to the Warren town line.

**BB. SPECIAL /STATUS REPORTS**

1. Police Department - Activity Report for December 2010

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Councilman Teixeira noted that the Police Department has received its certification and offered his congratulations.

Police Chief Canario explained his plan to make a presentation regarding same at an upcoming meeting.

Councilman Teixeira added that he finds the new "message trailers" to be most useful with Police Chief Canario reminding the Council that these were purchased with grant funds and did not require the expenditure of Town funds.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

2. Department of Public Works - Monthly Activity Report for December 2010

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

3. Tax Assessor's Office - Activity Report, January 25, 2011

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

C. PUBLIC HEARINGS

1. Gerald P. Romano, Chairman, Bristol Housing Authority - request for abandonment of a portion of Sheffield Avenue, Dittemore Avenue, Paull Street, and Slattery Street, Davis Place, and a temporary right of way, **continued from January 26, 2011**

- a. Michael S. Grant, Real Estate Representative, National Grid re proposed abandonment

Barboza/Teixeira - Voted unanimously to close the public hearing.

Barboza/Teixeira - Voted unanimously to find that the so-called portions of Sheffield Avenue, Dittemore Avenue, Paull Street, and Slattery Street, Davis Place, and a temporary right of way have ceased to be of use to the public and therefore approve the abandonment of same. Advertise in local newspaper.

Prior to the vote taken, Council Chairman Marshall noted that the public hearing regarding this matter, being duly advertised, remains open and asked if anyone wished to be heard.

Attorney Manning, again representing the Housing Authority, reminded the Council that she provided testimony regarding this matter in the past and agreed to answer any questions arising.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

There was no further remonstrance presented in favor or in opposition to the petition.

**D. ORDINANCES**

1. Ordinance #2011-03, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (eliminate Holiday Sales License fee and reduce Junk and Secondhand Dealers License fee, \$25 to \$10), **1<sup>st</sup> reading**

Herreshoff/Teixeira - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-03. Advertise in local newspaper.

2. Ordinance #2011-01, CHAPTER 17, Offenses and Miscellaneous Provisions, Article I, In General, Section 17-10, Holiday sales, (\$25 late application filing fee), **2<sup>nd</sup> reading for adoption** (see agenda item D1, schedule of fees for 1<sup>st</sup> reading)

Herreshoff/Parella - Voted unanimously to continue this matter until May 4, 2011 and to forward a copy of same to the budget workshops to be considered concurrently with the Town Clerk's budget.

Prior to the vote taken, Town Administrator Mederos reported that the various departments are considering certain amendments to the Town Code regarding fees and fines and asked that this matter might be continued until the budget is considered.

3. Ordinance #2011-02, CHAPTER 15, Junk, Secondhand and Antique Dealers, Article II, License, Section 15-37, Application, (\$25 late application filing fee), **2<sup>nd</sup> reading for adoption** (see agenda item D1, schedule of fees for 1<sup>st</sup> reading)

Herreshoff/Parella - Voted unanimously to continue this matter until May 4, 2011 and to forward a copy of same to the budget workshops to be considered

concurrently with the Town Clerk's budget.

Prior to the vote taken, Town Administrator Mederos reported that the various departments are considering certain amendments to the Town Code regarding fees and fines and asked that this matter might be continued until the budget is considered.

(CA) E. BUDGET ADJUSTMENTS

**Approval of consent agenda="Motion to approve these adjustments."**

(CA) F. APPOINTMENTS

**Approval of consent agenda="Motion to approve advertising these Appointments."**

1. Public Service Appointments

a. Assistant Harbor Masters

1. Harbor Master Cabral re recommendation - Assistant Harbor Masters
2. Charles Andrew Lombardo, 59 Sherry Avenue - interest/reappointment

Councilman Barboza nominated the slate of Assistant Harbor Masters, as recommended by the Harbor Master, for appointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the nominees for the ensuing term.

b. Auxiliary Harbor Masters

1. Harbor Master Cabral re recommendation - Auxiliary Harbor Masters
2. George Gatos, 55 State Street - interest/reappointment

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

3. Mark Grey, 608 Wood Street, 2R - interest/appointment
4. Steven Roth, 1 Riverview Avenue - interest/appointment

Councilwoman Parella nominated the slate of Auxiliary Harbor Masters, as recommended by the Harbor Master, for appointment.

There were no counter-nominations.

Parella/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the nominees for the ensuing term.

- c. North and East Burial Grounds Commission (2) (terms to expire in January 2016)
  1. Marcia Bickford Torrey, 8 Howe Street - interest/reappointment
  2. James F. Riccio, 56 Franklin Street - interest/reappointment

Councilman Barboza nominated Ms. Torrey and Mr. Riccio for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Torrey and Mr. Riccio, terms to expire in January 2016.

- d. Tree Warden
  1. Samuel C. Kinder, 315 Hope Street - interest/reappointment
  2. Town Clerk Cirillo re Carlos Medeiros - withdrawal of application



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Councilman Herreshoff nominated Mr. Kinder for reappointment.

There were no counter-nominations.

Herreshoff/Barboza - Voted to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Kinder for the ensuing term. Voting in favor of this motion were Councilman Barboza, Councilman Teixeira, Councilman Herreshoff and Councilwoman Parella. Council Chairman Marshall abstained from the vote.

- e. Recreation Board (3) (terms to expire in February 2014)
  - 1. Edward J. Quinn, 5 Poppasquash Road - interest/reappointment
  - 2. Nancy A. Horne, 1014 Hope Street, Apt. M-2 - interest/reappointment
  - 3. William B. Cain, 109 Constitution Street - interest/reappointment
  - 4. Michael S. Cabral, 10 Alves Street - interest/appointment

Councilman Barboza nominated Messrs. Quinn and Cain and Ms. Horne for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Quinn and Cain and Ms. Horne with terms to expire in February 2014.

- f. Bristol County Water Authority (term to expire in February 2014)
  - 1. Joseph G. Rego, 2 Ericsson Lane - interest/reappointment

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

- a. Council Clerk Cirillo re recommendation of John E. Faria, Chairman of the Democrat Town Committee - reappointment of Joseph G. Rego
2. Joseph S. DeMelo, 3 Roosevelt Drive - interest/appointment
  - a. Thomas M. Carroll, Chairman, Republican Town Committee re recommendation - Joseph S. DeMelo

Teixeira/Herreshoff - Voted unanimously to set a selection schedule as outlined below and to continue the matter of this appointment until April 13, 2011.

Prior to the vote taken, Councilman Herreshoff stated that he has respect for Mr. Rego but was concerned that "the system is defective." He added that he prefers to make a "fresh inquiry" and also that he understands that there might be new members appointed to represent both Barrington and Warren on the Authority.

Councilman Herreshoff also stated that the Council should be "deliberate" in its decision regarding the future of the Water Authority and recommended that all candidates should be interviewed.

Councilwoman Parella agreed with Councilman Herreshoff that the Council should be deliberate and hear from the candidates in a "like context" and that this interview should take place in a workshop with the Board members and other interested parties.

A discussion ensued regarding the interview process with Council members suggesting that the Council should first receive and review the performance audit report. Subsequently the Council will "talk to experts" at a second meeting and then conduct the candidate interviews at a third meeting.

Councilman Teixeira explained that he attended a recent meeting of the BCWA and found the members to be "complacent." He added that he did not leave the meeting with "a good feeling." He added that the action regarding

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

the appropriation of \$245,000 for underfunded pensions concerned him also.

Councilman Barboza noted that Mr. Rego indicated that the pensions were not underfunded but rather were funded at the low end of the actuaries' recommendation.

Councilman Teixeira explained that his concern stems from the \$245,000 appropriation which appears to be excessively large.

Council Chairman Marshall stated that he is a liaison to the Water Authority and that the 2008 stock market "collapse" caused a problem for the pension trust fund. He added that this stock market problem caused the need to infuse additional dollars into the pension fund and that the consultant reports that the fund appears to be "solid."

- g. Substance Abuse Prevention Task Force  
(terms to expire in January 2013)
  - 1. (Thomas M. Carroll, Chairman,  
Substance Abuse Prevention Task  
Force) - proposed list of members

Councilman Herreshoff nominated the slate of nominees as prepared and presented for appointment.

There were no counter-nominations.

Herreshoff/Teixeira - Voted  
unanimously to close nominations  
and to instruct the Clerk to cast  
one ballot each for the slate of  
nominees with terms to expire in  
January 2013.

Prior to the vote taken, Councilman Herreshoff suggested that the Council may wish to consider an amendment to the Town Code to allow for staggered terms for this board.

- h. Redevelopment Agency - Alternate Members  
(2) (to fill vacancies; 2<sup>nd</sup> Alternate,  
term to expire in December 2011 and 3<sup>rd</sup>  
Alternate, term to expire in December  
2012)
  - 1. Sean McCormack, 66 Ferry Road -  
interest/appointment

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Councilman Teixeira nominated Mr. McCormack for appointment to the 2<sup>nd</sup> Alternate position.

There were no counter-nominations.

Teixeira/Parella - Voted  
unanimously to close nominations  
and to instruct the Clerk to cast  
one ballot in favor of Mr.  
McCormack, term to expire in  
December 2011.

**(CA)** 2. Public Service Appointments for March

G. LICENSING BOARD - NEW PETITIONS

1. Michael J. Ferreira, d/b/a Gillary's, 198  
Thames Street - request for a One-Day Sunday  
Dancing and Entertainment License on February  
20, 2011

**LATE ITEM** a. Recommendation - Chief of Police

Herreshoff/Teixeira - Voted  
unanimously to grant this license  
based upon the recommendation  
received and subject to conformance  
to all laws and ordinances and  
payment of all fees, taxes, and  
levies.

H. LICENSING BOARD - RENEWALS

**(CA)** I. UTILITY PETITIONS

**Approval of consent agenda="Motion to approve these  
petitions."**

1. Town Administrator Mederos - street light  
request re Mt. Hope Farm, 250 Metacom Avenue

J. PETITIONS - OTHER

1. Peter M. Iascone, Esquire for Alan R.  
McLaughlin re claim for personal injury

Barboza/Herreshoff - Voted  
unanimously to refer this matter to  
the Town Solicitor and the  
Interlocal Trust.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

2. Ryan Garrity, Mt. Hope Robotics Club - request for support of MHHS Robotics Club trip to the FTC World Championship in St. Louis, MO

Barboza/Parella - Voted unanimously to appropriate \$1000 from the Town Council Contingency Fund for the MHHS Robotics Club in support of this petition.

Prior to the vote taken, Mr. Garrity explained the details of the robotics competition and further explained that MHHS has three teams and that its club is likely the largest in the State.

Mr. Garrity and his students present provided a manual demonstration of the workings of their model robot.

Councilman Barboza asked to know what the Council may do to help concerning the FTC World Championship with Mr. Garrity explaining that no school funds were available for attendance at this competition and that the students were fundraising in order to defray the expense. He noted that the students parents were asked to commit funds for the airfare and that he hoped to raise sufficient funds to pay the fees and expenses and reimburse the parents.

Mr. Garrity also explained that the total budget for attendance at the competition was approximately \$6000.

Councilwoman Parella noted that a Town contribution of \$1000 would cover the cost of the entry fee.

Council Chairman Marshall suggested that Mr. Garrity and his students should speak to the Roger Williams University Town grants committee regarding additional and/or future funding.

3. Rizwan Ahmed, d/b/a Hourglass Brasserie, 382 Thames Street - request for consideration re outside dining, the addition of bar stools, and a full liquor license

**LATE ITEM**

- a. Recommendation - Chief of Police

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Prior to the vote taken, Mr. Ahmed explained the details of his petition and further explained that some of his clientele prefer to sit at a "bar" rather than alone at a table.

Councilwoman Parella stated that the Council was very clear when it approved Mr. Ahmed's license initially in that it did not support the use of bar-stools and that any bar in the establishment would be a "service bar" only. She expressed concern that relaxing the Council's "no bar seating" policy would "open the flood gates" of requests from other similarly constrained establishments.

Councilwoman Parella added that she would entertain the idea of providing a full Class B license.

Councilman Barboza stated that some other establishments have waited "for years" prior to receipt of a license upgrade. He added that he was concerned that if the Council should relax its no-bar seating policy that a successor establishment may turn the business into a night club.

Councilman Barboza added that he supported the idea of outdoor dining if there is sufficient space to allow for tables and chairs in front of the building. He added that he would prefer if the business were in operation for a longer period of time prior to its coming forward for a license upgrade.

Peter Calvet, Chairman of the Redevelopment Agency, reminded the Council that the Town has "a large stake" in the success of this business since it occupies a former blight-list property.

Councilman Barboza reminded those present that the Council created the establishment's current alcoholic beverage license in support of its "stake" in the success of the business.

Councilman Barboza stated that he would be willing to revisit the idea of a license upgrade in the fall.

Councilwoman Parella stated that she might be willing to consider the matter of the license upgrade sooner than the fall but reminded those present that the Council has been very specific regarding the "no bar stool" rule and that there were additional licenses with similar restrictions and that she did not wish to amend those licenses also.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Mr. Calvet suggested that the Council may wish to add some more specific criteria to the license in order to possibly accommodate some bar stools.

Councilman Barboza stated that the Council's policy has been very clear and that he did not wish to see Mr. Ahmed's establishment, or any of the others similarly constrained, to "morph" into something undesirable.

Mr. Calvet suggested that the Council may wish to rescind the license should the establishment become objectionable with Councilwoman Parella reminding those present that the State courts view a license as a "property right" and that this makes revocation very difficult if not impossible.

Stan Dimock of 341 Thames Street spoke in favor of the petition as a "non-business member of the Bristol Downtown Merchants Association."

Mr. Dimock noted that he does not generally see Council members dining in local restaurants and that he disagrees with the Council's policy regarding "counter service." He explained that many single persons do not wish to sit alone at tables and prefer to sit at a bar to have dinner. He suggested that there might be a "better way" to provide an accommodation to Mr. Ahmed.

Mr. Dimock also reported that the residents of his residential complex (Stone Harbour) are in support of Mr. Ahmed's establishment.

Mr. Dimock also reported that he was concerned that there is standing water on the (Hourglass) building's roof and also that that its driveway is in need of a clean-up.

Councilwoman Parella suggested that Mr. Ahmed might consider establishing a "community table" for single-diners as an alternative to "bar" seating and that this would possibly have the same appeal minus a bar-tender.

Town Solicitor Ursillo suggested that the Council could possibly consider a license restriction with an "auto-revert" back to the Town but that this may require some legislation. He added that none of these far-reaching matters can be resolved in short order but would rather need some detailed deliberation and legal examination.

Councilman Barboza noted that the Council has created several alcoholic beverage licenses, including Mr. Ahmed's, in order to "level the playing field" for restaurants. He

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

added that the Council did this in the face of negative recommendations from public safety officials in favor of the establishments.

Councilman Teixeira asked to know the rationale for the license restrictions with Councilman Barboza explaining that the policy was established in order to have some assurance that persons would be patronizing the establishments for the purpose of having a meal and that any consumption of alcoholic beverages would be as an ancillary activity.

Both Councilwoman Parella and Councilman Barboza agreed to consider an application for a full alcoholic beverage license in the fall.

Council Chairman Marshall suggested that Mr. Ahmed should submit an application for outdoor sidewalk dining at his earliest convenience and that any consideration of the "bar" and full alcoholic license would be entertained at a later date.

4. Nancy A. Hood, 274 Wood Street for East Bay Citizens for Peace, et al - request for the Council to sponsor a special workshop re the impact of military spending on the economic crisis

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Ms. Hood and Kevin Faria explained that the Council entertained a similar request in the past for an anti-war resolution and received same. It was noted that the Council also co-sponsored a forum on the so-called "Patriot Act" several years ago.

Ms. Hood and Mr. Faria also noted their opinion that the current National economic crisis is related to the international hostilities and that this economy has a direct impact upon the Town. They suggested that the Council's resolution should ask for a twenty-five percent (25%) reduction in military spending. Mr. Faria explained that this idea has support from similar groups nationally.

Councilwoman Parella stated that she was concerned that a Council action might be misinterpreted to promote actions that may put U. S. troops in jeopardy and that she supports the idea that the military personnel should be the best equipped.



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Ms. Hood informed the Council that she, too, does not support the idea to take equipment and training from the troops but questioned the need for 800 U. S. military bases throughout the world.

Councilwoman Parella stated that taking a position regarding the U. S. bases would take "a ton of research" and that the Council was not prepared to debate or take a position of strategic defense issues. She suggested that the East Bay Citizens for Peace should consider hosting a forum perhaps in the library and to do so without expectation of Council sponsorship.

Councilman Barboza added that he, too, was uncomfortable for the Council to sponsor any forum without adequate representation from both sides of the issue. He added that the idea of the twenty-five percent military spending reduction was "too broad."

Councilman Teixeira concurred with Councilwoman Parella and Councilman Barboza and stated that there was not sufficient information before the Council to support a formal resolution.

Councilman Herreshoff stated that the petition of Ms. Hood appears to be well-intentioned and that he agreed that the economy is a "terrible worry."

Council Chairman Marshall stated that he supported the Council resolution eight (8) years ago regarding opposition to a war in Iraq. He also stated that military personnel could be more productive "at home" guarding the borders and rebuilding infrastructure. He agreed with Councilwoman Parella that the East Bay Citizens for Peace would be better to sponsor some type of forum for discussion at the library.

Councilwoman Parella added that it would be useful if the forum included those with opposing viewpoints and that hearing same would be the only way that she could make a decision regarding this matter.

**K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION**

1. (Sandra Matrone Mack, Bond Counsel) -  
Borrowing Resolutions re Rhode Island Clean  
Water Finance funding for sewer capital  
projects

Barboza/Herreshoff - Voted  
unanimously to adopt these  
resolutions as prepared and  
presented.

2. Director of Community Development Williamson  
re report of Peter Calvet, Chairman of the  
Redevelopment Agency on the status of the  
Franklin Street Redevelopment Plan

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file with thanks to  
the Agency members and staff.

Prior to the vote taken, Mr. Calvet presented the following:

Franklin Street Corridor Redevelopment Plan Status:

- 15 Wall Street - Property was purchased and is being rehabilitated and significant progress has been made. The RDA voted to take off the blight list December 2011.
- 50 Roma Street - Owner has made improvements to the property and building. RDA voted to take of the blight list in October 2011.
- Former Fulflex property - Building was demolished and new development proposed by Andy Tyska. RDA voted to take this off the blight list.
- 34 and 41-45 Roma Street properties are a work in progress and continue to be monitored by enforcement.
- 125 Franklin Street - property was on the watch list. Owners have continued to maintain the property and RDA voted to take this off the watch list December 2011
- 96-97 Bourne Street - property was on the watch list. Owners continue to maintain the property and the RDA voted to take this off the watch list.
- Bristol Industrial Park - This property was acquired by Mosaico and they are in process of securing grants and moving forward with the renovations to rehabilitate this property. We are working with Mosaico and RDA continues to monitor the progress. The property is still on the blight list which has a benefit to Mosaico in securing grant funding.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Mr. Calvet reported that the Agency is now available to consider new redevelopment issues and welcomes suggestions from the Council regarding same.

Councilman Teixeira asked to know the status of the unoccupied portion of the former Tuplin's Garage on Thames Street and the adjoining undeveloped gravel lot.

Director of Community Development Williamson reported that the building is currently for rent and that the owner is looking for a suitable tenant. She added that the gravel lot is set-aside as a parking lot for the building.

Council Chairman Marshall noted that the Agency "did a great job" with its projects thus far.

3. RI Department of Environmental Management re notice of public hearing to consider proposed permits, March 8, 2011

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

*N.B. Concerning agenda items K4 through K16 below, the Council considered these as a whole with Councilman Barboza suggesting support of items K6, K8, K11, K12, K15, and K16.*

*Town Administrator Mederos suggested that these resolutions might be examined by the various department heads and also Town Solicitor Ursillo and that they might also be continued to the next meeting in anticipation of a recommendation to the Council.*

4. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing General Assembly Bills 2011-S0050, S0051 and H5137, Relating to Other Post-Employment Benefits - OPEB trusts

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

5. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution in opposition of Senate Bill 2011-S0052, An Act Relating to Towns and Cities - Audit of Accounts and Installation of Systems

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

6. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution in opposition of House Bill 2011-H5103, An Act relating to Health and Safety - Programs for Fire Departments

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

7. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution re relocation of the RI National Guard Regional Training Institute

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

8. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing Senate Bill 2011-S0018, proposed amendments to RIGL §33-21.1-14.1 Property held by police departments

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

9. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing the enactment of legislation to amend RIGL §44-5-2 Maximum Levy (Tax Cap Legislation)

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

10. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution proposing amendments to RIGL §16-7-44 School housing project costs

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

11. Louise R. Phaneuf, Burrillville Town Clerk re request for support of resolution re proposed amendments to protect RI's cities and towns and their public officials/employees (RIGL §9-31-3, §10-6-2, and §9-21-10)

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

12. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing the enactment of legislation to amend RIGL §16-48.1-4, §16-48.1-5 and §40-13.3-4 re local police department fees for performing child care BCI checks

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of March 9, 2011  
and to refer same to the Town

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Administrator and also the Town Solicitor.

13. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing the enactment of legislation proposing amendments to RIGL §42-9-8.1, Office of investigation - Powers and duties of investigators

Barboza/Teixeira - Voted unanimously to continue this matter until the meeting of March 9, 2011 and to refer same to the Town Administrator and also the Town Solicitor.

14. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing proposed legislative amendments to RIGL §11-47-11, License or permit to carry concealed pistol or revolver

Barboza/Teixeira - Voted unanimously to continue this matter until the meeting of March 9, 2011 and to refer same to the Town Administrator and also the Town Solicitor.

15. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing proposed amendments to RIGL §33-21.1-14.1, Property held by police departments

Barboza/Teixeira - Voted unanimously to continue this matter until the meeting of March 9, 2011 and to refer same to the Town Administrator and also the Town Solicitor.

16. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution endorsing legislation to amend RIGL Chapter 11-37.1, Sexual Offender Registration and Community Notification

Barboza/Teixeira - Voted unanimously to continue this matter

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

until the meeting of March 9, 2011  
and to refer same to the Town  
Administrator and also the Town  
Solicitor.

17. Council Chairman Marshall re Municipal Vendor  
Bidding & Notification System

Barboza/Herreshoff - Voted  
unanimously to refer this matter to  
the Clerk for an investigation.

Prior to the vote taken, Council Chairman Marshall reported  
that the Towns on Aquidneck Island have an on-line bidding  
system and it may be possible for the Town of Bristol to  
participate at no charge.

Town Treasurer Goucher reported that she was aware of this  
system from her previous employment in Portsmouth. She noted  
that there were many other current priorities in her office  
but agreed to contact Portsmouth regarding the requirement  
for Bristol's participation in the future. Director of  
Community Development Williamson agreed to help with this  
also.

The Council noted that the Clerk is generally responsible  
for the dissemination of bid documents and the receipt of  
bids and asked the Clerk to coordinate an investigation of  
this system along with the Treasurer and Director of  
Community Development and also to present a recommendation  
to the Council, if necessary.

18. Town Administrator Mederos re Local Registry  
of Motor Vehicle Closings

Barboza/Parella - Voted unanimously  
to receive and place this matter on  
file.

Prior to the vote taken, Town Administrator Mederos reported  
that the Warren registry will be expanding its hours to  
Tuesday and Wednesday and that her office is also monitoring  
the situation.

Councilwoman Parella suggested that the Council may wish to  
adopt a resolution concerning this matter should its  
influence become necessary.

Councilman Teixeira noted that the Registry plans to reopen  
at a Middletown location in the near future.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

19. Councilman Teixeira re communication Harbor Commission/Harbor Master

Teixeira/Parella - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Councilman Teixeira suggested that the Harbor Master should be in attendance at Harbor Commission meetings. He added that this attendance may be limited to a portion of the meeting only in order to be available to answer questions and respond to other inquiries.

Councilman Teixeira added that he would prefer if there were representatives of the local commercial fishermen on the Harbor Commission and there did not appear to be any of these on the Commission at this time.

Council Chairman Marshall stated that the Harbor Commission is essentially advisory to consider matters relating to rights of way, the shoreline and dockage.

**L. BILLS & EXPENDITURES**

1. RFP #724 - Fault Tolerant and Disaster Recovery System (Police and Fire Departments)

Barboza/Herreshoff - Voted  
unanimously to refer this matter to  
the Fire Chief, Police Chief, and  
Town Administrator to act in the  
best interest of the Town.

Prior to the vote taken, the Clerk reported the receipt of one bid from:

Jacobs Technology	Portsmouth, RI	\$59,624
-------------------	----------------	----------

Councilman Herreshoff asked if the item should be rebid since there was only one proposal.

Fire Chief Martin explained that the single bidder appears to be qualified and also that there were some time constraints concerning this matter.

Town Solicitor Ursillo explained that the proposal could be negotiated with the single bidder if warranted.



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

2. Bid #725 - Town Beach Concession

Herreshoff/Barboza - Voted  
unanimously to refer this matter to  
the Director of Parks and  
Recreation and Town Administrator  
to act in the best interest of the  
Town.

Prior to the vote taken, the Clerk noted receipt of one bid  
from:

George Seye III and Bristol, RI \$4,500 (3 years)  
David Squillante  
d/b/a Doghouse

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

**Approval of consent agenda="Motion to receive and place this  
item on file."**

1. (Town Treasurer Goucher) re Revenue and  
Expenditure Statement, February 10, 2011

P. PROCLAMATIONS & CITATIONS

1. Commendation - Bristol Mustangs Pee Wee  
Football, 2010 RISMA Division 1 Junior Pee  
Wee State Championship

Herreshoff/Barboza - Voted  
unanimously to adopt this  
commendation as prepared and  
presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and  
filed by Council)

**Approval of consent agenda="Motion to receive and place  
these items on file."**

1. Class F1 Intoxicating Beverage License  
granted to St. Elizabeth Church/Santo Cristo  
Committee, 577 Wood Street for event to be  
held on January 29, 2011 (Entertainment  
License granted January 26, 2011)

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

2. Class F1 Intoxicating Beverage License granted to St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street for event to be held on February 25, 2011 (Entertainment License granted January 26, 2011)
3. Council Clerk Cirillo to Craig S. D'Ambra, 531 Harris Avenue of Woonsocket, RI re thank you for open space donation
4. Council Clerk Cirillo to Virgil Sales, Jr., et al, 91 Kickemuit Avenue re deed of street dedication
5. Carriage License Renewal petition (granted November 10, 2010)
6. Class F1 Intoxicating Beverage License granted to St. Elizabeth Church/Holy Trinity Committee, 577 Wood Street for event to be held on February 12, 2011
7. Second Amendment to Memorandum of Understanding between the Town of Bristol and Roger Williams University (signed copy)
8. Council Clerk Cirillo to Director of Community Development Williamson re adoption of the Bristol Harbor Management Plan
9. List of Special Constables/Fire Police for 2011
10. Council Clerk Cirillo to Thomas M. Carroll, Chairman, Republican Town Committee re Bristol County Water Authority appointment
11. Council Clerk Cirillo to John E. Faria, Chairman, Democrat Town Committee re Bristol County Water Authority appointment
12. Warrant - Joseph Cabral, Harbor Master
13. Warrant - Matthew J. Calouro, Assistant Harbor Master
14. Warrant - John Motta, Assistant Harbor Master
15. Warrant - David Sartrys, Assistant Harbor Master

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

16. Warrant - Arthur M. Franco, Auxiliary Harbor Master
17. Warrant - Nathan Gallison, Auxiliary Harbor Master
18. Warrant - Alan D. Leach, Auxiliary Harbor Master
19. Warrant - Scott Marino, Auxiliary Harbor Master
20. Warrant - Domenic C. Canna, Bristol Housing Authority
21. Warrant - Rita Ayres-Gaulin, Board of Tenants' Affairs
22. Warrant - Steven Johnson, Waypoyset Trust
23. Warrant - Thomas G. Breslin, CRMC Alternate Subcommittee
24. Warrant - Thomas P. Enright, Historic District Commission
25. Council Clerk Cirillo to Director of Public Works Serbst re removal of handicap parking space at 193 State Street
26. Coastal Resources Management Council - February 2011 Calendar
27. Town Administrator Mederos to Insituform Technologies, Inc. of Chesterfield, MO re award of Bid #719 - Phase II Sewer Rehabilitation
28. (Bristol County Water Authority) re BCWA in the News, miscellaneous correspondence February 2011
29. (Louise R. Phaneuf, Burrillville Town Clerk) - resolution re the enactment of comprehensive Extended Producer Responsibility (EPR) legislation
30. Council Clerk Cirillo to Kevin Aguiar, PE, Beta Group re Tanyard Brook project

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

*It is hereby noted for the record that the Council considered this matter in combination with agenda item B2.*

**(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS**  
(office copy only)

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Bristol Warren Regional School District - schedule of meetings, week of January 24, 2011
2. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, January 24, 2011
3. Bristol Warren Regional School Committee - January 24, 2011
4. Historic District Advisory Committee - January 27, 2011
5. Zoning Board of Review - February 7, 2011
6. Bristol Warren Regional School District - schedule of meetings, week of January 31, 2011
7. Bristol Warren Regional School Committee - special meeting, January 31, 2011
8. North and East Burial Grounds Commission - January 31, 2011
9. Bristol Warren Regional School Committee - BWEA Contract Negotiation Subcommittee, February 2, 2011
10. Conservation Commission - February 7, 2011
11. Historic District Advisory Committee - February 10, 2011
12. Harbor Commission - February 7, 2011
13. Bristol Warren Regional School District - schedule of meetings, week of February 7, 2011

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

14. Bristol Warren Regional School Committee - Policy/Community Affairs Subcommittee, February 7, 2011
15. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, February 9, 2011
16. Bristol County Water Authority - Board of Directors, February 10, 2011
17. Bristol County Water Authority - March 2011 Meetings
18. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - February 9, 2011
19. Recreation Board - February 15, 2011
20. Bristol Warren Regional School District - schedule of meetings, week of February 14, 2011
21. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, February 14, 2011
22. Bristol Warren Regional School Committee - workshop/meeting, February 14, 2011

**S. TOWN SOLICITOR**

1. Town Solicitor Ursillo re enactment of tree protection measures

Parella/Herreshoff - Voted unanimously to refer this matter to the Conservation Commission so that the Commission might consider a "guidance program" rather than an ordinance concerning the protection of important trees on private property and also to forward the "definitions" as provided in the memorandum to the Historic District Advisory Committee.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Prior to the vote taken, Town Solicitor Ursillo reported that he provides a typical ordinance based upon an earlier Council inquiry. He explained that the ordinance is in effect in the City of Newport and that property owners must voluntarily agree to be restricted by this ordinance.

Town Solicitor Ursillo agreed to draft a Bristol-specific ordinance if the Council directs him to do so.

Councilman Herreshoff stated that he was of the opinion that an ordinance of some kind was necessary and that this particular request is the direct consequence of the loss of two "noble" trees on the southerly end of Hope Street. Councilman Herreshoff added that the property owner who destroyed these subject trees appeared to be unaware that the trees were important.

Councilman Herreshoff also asked that if a particular property owner agreed to the provisions of the ordinance, would subsequent property owners be automatically bound by it with Town Solicitor Ursillo stating that he was unsure if the agreement would "run with the land" and that he would research this issue if asked to do so.

Councilman Teixeira suggested that the ordinance would incur some cost to the Town and/or the property owners. He added that he was not in favor of a tree protection ordinance for private property.

Councilwoman Parella stated that some of the information provided in the Solicitor's memorandum may be useful to the Historic District Advisory Committee; the definitions in particular. She, too, expressed concern that an ordinance may not be necessary.

Councilman Herreshoff suggested that the Town should adopt a "mild" ordinance in order to guide tree-owners on the significance of their trees.

Councilwoman Parella suggested that the responsibility of the Conservation Commission might be further refined in order to provide the type of service to homeowners as prescribed by Councilman Herreshoff.

Councilman Herreshoff asked Town Solicitor Ursillo if the Newport ordinance was legally sound with Town Solicitor Ursillo responding that the ordinance appeared to be. He suggested that the Solicitor might be instructed to draft a Bristol-version of the ordinance for Council consideration.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

Council Chairman Marshall stated that he did not believe that an ordinance was necessary and that he objected to another set of government regulations. He also stated that he did not wish for the Town to assume any liability regarding trees on private property.

Councilman Herreshoff stated that he was disappointed that there appeared to be little support for a tree ordinance.

Councilwoman Parella stated that it may still be useful for the Conservation Commission or some ad-hoc committee to learn about the important privately-owned trees and share this information with property owners.

Councilman Herreshoff asked that the Clerk might be instructed to correspond with the Conservation Commission regarding the merits of identifying important trees on private property and also to ask said body to recommend some type of "non-draconian" regulations to protect these.

Recreation Director Burke suggested that tree labeling and education would be important components of any tree protection program.

Councilman Barboza recalled that there were tree brochures printed some time ago that were very informative.

2. Request for Executive Session pursuant to RIGL §42-46-5 (a) (2) Litigation re Stop & Shop tax appeal

*It was agreed by consensus that this matter would be taken up at the conclusion of the public agenda.*

- \*AMEND ITEM** 3. Appointment of Capital Project Commission per Charter amendment

- LATE ITEM** a. Amended Town Charter Section 911, capital project commission as approved by electorate on November 2, 2010

Barboza/Herreshoff - Voted unanimously to advertise for candidates for the Capital Project Commission.

Prior to the vote taken, Town Solicitor Ursillo informed the Council that the Bond Counsel recommends that this new Commission should be set in place in order to accommodate the provisions of the Town's bonding program.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

**Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS**

**1. MARSHALL**

a. Mike Davis - Council Chairman Marshall thanked Mr. Davis for filming this evening's meeting.

b. Valentine's and Ground Hog Days - Council Chairman Marshall belatedly offered best wishes for a happy Valentine's Day and Ground Hog Day.

**2. BARBOZA**

a. Rotary Speaker - Councilman Barboza reported that Recreation Director Burke was the guest speaker at the Bristol Rotary Club. He thanked Mr. Burke for representing the Town and also for his work on the Town's behalf.

b. Mike Davis - Councilman Barboza reported that Mr. Davis was recovering from the effects of an automobile accident and that he was pleased to know that the recovery was going well.

**3. TEIXEIRA**

a. Rhode Island Housing - Councilman Teixeira reported that \$80 million was available through the auspices of Rhode Island Housing for loans, etc., up to \$18,000 to prevent foreclosures. He suggested that interested individuals should contact Director of Community Development Williamson or Tax Assessor Spagnolo.

b. Wood Street Cleanliness - Councilman Teixeira reported that the area along Wood Street from Bradford to Congregational Streets was "trash city," being littered with cigarette ends, etc. Councilman Teixeira added that the section of sidewalk at the corner of State and Thames Streets was equally unsightly.

Town Administrator Mederos agreed to address this matter.

**4. HERRESHOFF**

**5. PARELLA**



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 16, 2011**

a. Icy Sidewalk - Councilwoman Parella reported that the sidewalk adjacent to the north side of Walley School was "horrendously" icy. The matter was referred to Town Administrator Mederos.

**ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)**

1. Summer Employment - Town Administrator Mederos noted receipt of a notice of summer employment opportunities as posted by the State Department of Transportation. She explained that further details regarding these opportunities will be available through a link on the Town's website.

2. RWU 55<sup>th</sup> Anniversary - Town Administrator Mederos reported that she attended a 55<sup>th</sup> Anniversary event at Roger Williams University and that the Town of Bristol and the University have grown to complement each other.

Teixeira/Parella - Voted unanimously to adjourn into Executive Session pursuant to RIGL 42-46-5 (a) (2) concerning the Stop and Shop tax appeal (See agenda item S2 above) at 11:20 o'clock PM.

Barboza/Parella - Voted unanimously to resume open session at 11:29 o'clock PM.

There being no further business upon a motion by Councilman Barboza, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 11:30 o'clock PM.

---

Louis P. Cirillo, CMC  
Council Clerk